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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,549	12/28/2000	Seung Kil Kim	4015-2039	6961
24112	7590	02/12/2004	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			LEE, SEUNG H	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/750,549

Applicant(s)

KIM, SEUNG KIL

Examiner

Seung H Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 22-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18, 20-21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the response filed on 17 November 2003, which has been entered in the file.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1 – 18, 20-21, drawn to specifics of a stationary barcode scanning apparatus, classified in class 235, subclass 462.14.

Group II: Claims 19, 22-28, drawn to specifics of a wand type reader and a method of using the same, classified in class 235, subclass 472.03.

3. The inventions are distinct, each from the other because:

4. Inventions of Group I and Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination requires, among other things, the portable scanner for manually reading barcodes a plurality of time. The subcombination has separate utility such as portable barcode reading means.

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5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II or Group III, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with Edward H. Green, III (Reg. NO. 42,604) on June 13, 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-18, 20-21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19, 22-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Allowable Subject Matter

9. Claims 1-18, and 20-21 are allowable over the prior art of records.

10. The following is a statement of reasons for the indication of allowable subject matter:

Although, the best prior art of record to Tanaka et al. [US 5,473,148] a plurality of light emitting diodes and sensors to detect the moving speed of card in series, Laskowski et al. [US 6,101,266] discloses a scanning system for scanning having a plurality of light emitting diodes and photocell to reading/determining conditions of bank notes, and Jannersten [EP 1,040,854] disclose a plurality of light sources/sensors to reading barcodes. However, Tanaka et al., Laskowski et al., and Jannersten taken alone or in combination of other references, fails to teach that the sensors and light sources are arranged such that each one of the plurality of sensors senses reflected light primarily from a corresponding light source, wherein all of sensors are operative to read the same barcode element in succession as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

11. Applicant's arguments filed 17 November 2003 have been fully considered but they are not persuasive.

In response to the applicant's argument that "...all of the claims are directed to the same invention but merely vary in scope." (see page 2), the Examiner respectfully disagrees with the applicant wherein claim 1 is specifically directed to the scanner for

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reading barcode wherein the scanner comprising a plurality of sensors, a corresponding plurality of light sources, and the sensors and light sources are arranged such that each one of the plurality of sensors senses reflected light primarily from a corresponding light source wherein all of the sensors are operative to read the same barcode element's in succession whereas claims 19 and 22 is specifically directed the manual scanner for the reading of barcode comprising a plurality of corresponding light source/light sensor pair for reading said barcode a plurality of times for each manual pass of said scanner over the barcode thereof. The invention are distinct as related as combination and subcombination wherein the claims 19 and 22 are classified in class 235, subclass 472.03, that is, claims 19 and 22 are claiming the wand type barcode reader whereas claim 1 is classified in class 235, subclass 462.14, wherein claim 1 is claiming a stationary barcode reader in which it does not require manually moving the wand type barcode reader as disclosed in the Election/Restriction requirement above and also stated in the paper #8.

In response to the applicant's argument that "Restriction is never proper between a combination and subcombination...." (see page 3), the Examiner respectfully disagrees with the applicant wherein restriction is proper when two or more inventions are classified in separate classification. Accordingly, the restriction was proper and therefore the restriction remains outstanding. MPEP § 806.0 (c).

Additional Remarks

This application is in condition for allowance except for the presence of claims 19, 22-28 to an invention non-elected with traverse in Paper No. 8. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.


If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax-phone number for this group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [seung.lee@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
February 9, 2004


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800